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Westlands Water District

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

HOOPA VALLEY TRIBE,

Plaintiff,

v.

UNITED STATES BUREAU OF
RECLAMATION, et al.,

Defendants,

And

WESTLANDS WATER DISTRICT,

Intervenor-Defendant.

Case No. 1:20-cv-01814-JLT-EPG

**WESTLANDS WATER DISTRICT'S
PRELIMINARY RESPONSE TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: March 20, 2023
Time: 9:00 a.m.
Courtroom: 4 – 7th Floor, Fresno
Judge: Hon. Jennifer L. Thurston

Trial Date: None
Action Filed: August 13, 2020

**WESTLANDS WATER DISTRICT'S PRELIMINARY RESPONSE
TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

In accordance with Local Rule 230(c) and this Court's prior Orders governing Intervenor Defendant Westlands Water District's ("Westlands") participation in this case, Westlands submits this Preliminary Response to Plaintiff Hoopa Valley Tribe's ("Plaintiff's") most recent Motion for Preliminary Injunction ("Motion"), ECF No. 146-1. Plaintiff's Motion alleges that Defendants United States Bureau of Reclamation, *et al.* ("Federal Defendants")¹ did not comply with the National Environmental Policy Act ("NEPA") when they approved the Trinity River Winter Flow Variability Project on January 30, 2023. Plaintiff's Motion does not relate to and does not challenge the validity of the Water Infrastructure Improvements for the Nation Act repayment contracts between Reclamation and Westlands that Plaintiff seeks to invalidate in claims for relief not directly related to this Motion. Westlands does, however, have interests in the management of Central Valley Project operations and releases of water from the Lewiston Dam in accordance with the 2000 Trinity River Record of Decision that could potentially be impacted by a decision on this Motion.

Westlands remains cognizant of the Court's admonitions that "Westlands' participation in the case is conditioned on it making every effort to avoid duplicative briefing." ECF No. 116, at 9; *see also* February 7, 2023 Minute Order. Since no staggered briefing schedule was established prior to the filing of Plaintiff's Motion, Westlands has not yet had an opportunity to review Federal Defendant's Opposition to assess whether there are any non-duplicative points or arguments required to be made in response.² Accordingly, Westlands reserves the right to seek leave of the Court to submit a briefing containing any necessary non-duplicative points or arguments not made by Federal Defendants. If such further briefing is required, Westlands

¹ Plaintiff's Motion does not distinguish between Federal Defendants and Intervenor Defendant Westlands. Westlands presumes Plaintiff's references to Defendants' alleged NEPA violations are meant to refer to Federal Defendants, not Westlands.

² Counsel for Westlands have been advised that it is Department of Justice policy not to share its legal briefs prior to filing with the Court.

1 anticipates submitting a request and short brief containing such points or arguments by
2 Wednesday, March 1, 2023.

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4 Dated: February 27, 2023

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10 By: /s/ Cynthia J. Larsen
CYNTHIA J. LARSEN
Attorneys for Westlands Water District

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2023, I electronically filed WESTLANDS WATER DISTRICT'S RESPONSE TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION with the Clerk of Court using the ECF system, which will automatically send email notification to the attorneys of record.

/s/ Cynthia J. Larsen

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